

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

FELIX SORKIN,

Plaintiff,

v.

UNIVERSAL BUILDING PRODUCTS,
INC.,

Defendants.

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Civil Action No. 1:08CV133

JUDGE RON CLARK

ORDER GOVERNING *MARKMAN* HEARING

This case is set for a *Markman* hearing in Beaumont, Texas on **May 14, 2009 at 10:00 a.m.** After reviewing the Joint Claim Construction and Pre-hearing Statement and considering the patent and the claims in dispute, the court enters the following **ORDER**, which governs the *Markman* hearing and the parties briefing:

1. Each side is given 2 hours to present its case, including all questioning of all witnesses;
2. Plaintiff should be prepared to present its position on each claim term and the Defendant should be prepared to respond. However, the court may simply ask questions about a term without hearing the prepared presentation. The parties should be prepared to answer both technical and legal questions concerning the claims at issue. This requires a witness, or witnesses, with the expertise to answer technical questions concerning the claims and specification and the relevant art to be present for each party, unless the attorney(s) has a technical background in the field at issue and can authoritatively answer technical questions on behalf of the party;

3. Plaintiff is limited to 30 pages for the opening brief and 10 pages for the reply brief, and the Defendant is limited to 40 pages for the responsive brief¹;
4. Each side must submit to chambers two (2) paper copies of their briefs and exhibits. The briefs and exhibits shall be placed in notebooks that are no larger than three inches thick;
5. Exhibits shall be organized by the patent to which they refer, and tabbed with exhibit numbers for easy reference;
6. Copies of the patent at issue need not be bound with the other exhibits. In your brief, cite to the patent by number ('367), rather than by an exhibit number. Rest assured, the court has a copy of the patent which has allegedly been infringed. Copies of related patents may be helpful exhibits;
7. Local Rule CV-7(b) concerning the highlighting of citations to portions of exhibits should be followed. The highlighting should not be in a color that obscures the print when copied.

So **ORDERED** and **SIGNED** this **7** day of **November, 2008**.



Ron Clark, United States District Judge

¹The parties' Joint Pre-Hearing Statement indicates some confusion on the briefing which is to be submitted. To be clear, Plaintiff will submit an opening brief on or before February 12, 2009, Defendant will submit a responsive brief on or before March 12, 2009, and Plaintiff will submit a reply brief on or before April 1, 2009. As set out above, the page limits for these briefs will be 30, 40, and 10, respectively.